

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,

Plaintiff,

vs.

DOUGLAS COUNTY DEPARTMENT
OF CORRECTIONS, and MARK
FOXHALL, C.E.O.;

Defendants.

8:17CV465

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). ([Filing No. 2.](#)) As stated in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot "bring a civil action . . . or proceeding [IFP] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." [28 U.S.C. §1915\(g\)](#).

This court has previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *See Chapman v. Chief Executive Officer*, Case No. 8:15CV259 (D.Neb.) ([Filing No. 9](#), August 19, 2015 Memorandum and Order dismissing action pursuant to PLRA's "three strikes" provision).

In light of the foregoing, the court will give Plaintiff 30 days in which to show cause for why this case should not be dismissed pursuant to the provisions of [28 U.S.C. 1915\(g\)](#). In the alternative, Plaintiff may pay the full \$400.00 filing and

administrative fees. In the absence of good cause shown, or the payment of the necessary fees, this action will be dismissed.

IT IS THEREFORE ORDERED:

1. Plaintiff has 30 days to either show cause for why this case should not be dismissed pursuant to [28 U.S.C. § 1915\(g\)](#) or pay the court's \$400.00 filing and administrative fees.

2. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: **January 16, 2018**: deadline for Plaintiff to show cause or pay fees.

Dated this 15th day of December, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge